

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

COLFIN AI-CA 5, LLC,)	NO. CV 14-514 UA
)	(DUTYx)
Plaintiff,)	
)	ORDER SUMMARILY REMANDING
v.)	
)	IMPROPERLY-REMOVED ACTION
TAWANA CALDWELL,)	
ANTHONY PAXTON, and)	
ALL OCCUPANTS IN POSSESSION,)	
)	
Defendants.)	

The Court summarily remands this unlawful detainer action to state court because defendant DERON DRUMMOND ("Defendant") removed it improperly.

On January 22, 2014, Defendant lodged a Notice Of Removal of an unlawful detainer action in California state court (filed on October 11, 2013), to this Court and also presented an application to proceed in forma pauperis. Although Defendant DERON DRUMMOND was not named as a defendant in the state court complaint, he filed a prejudgment claim of right to possession in connection with the

1 state court complaint on November 1, 2013. (See Notice, Exhs. A
2 and B). The Court has denied the application to proceed in forma
3 pauperis under separate cover because the action was not properly
4 removed. To prevent the action from remaining in jurisdictional
5 limbo, the Court issues this Order to remand the action to state
6 court.

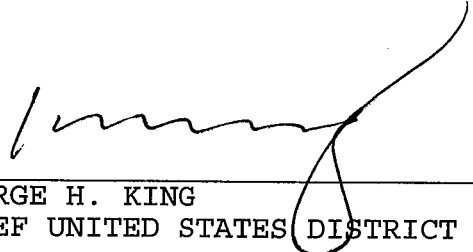
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8 Simply stated, this action could not have been originally
9 filed in federal court, because the complaint does not competently
10 allege facts supplying either diversity or federal-question
11 jurisdiction, and therefore removal is improper. 28 U.S.C.
12 § 1441(a); see Exxon Mobil Corp v. Allapattah Svcs., Inc., 545 U.S.
13 546, 563 (2005). Defendant's notice of removal only asserts that
14 removal is proper based upon federal question jurisdiction,
15 alleging that the complaint was based on a defective notice under
16 12 U.S.C. § 5220. (Notice at 2). However, the underlying unlawful
17 detainer action does not raise any federal legal question. Nor does
18 it appear that federal law is a necessary element of any of
19 plaintiff's claims. Moreover, "the existence of a defense based
20 upon federal law is insufficient to support federal-question
21 jurisdiction." Hall v. North American Van Lines, Inc., 476 F.3d
22 683, 687 (9th Cir. 2007) (quoting Wayne v. DHL Worldwide Express,
23 294 F.3d 1179, 1183 (9th Cir. 2002). Finally, defendant has not
24 alleged complete diversity of citizenship between the parties and
25 has not established that the amount in controversy exceeds \$75,000.
26 See 28 U.S.C. § 1332(a).

1 Defendant is further notified and warned that any subsequent
2 attempts to remove the underlying state unlawful detainer action to
3 this Court will be improper and will constitute vexatious conduct
4 that the Court will address by way of punitive remedial measures,
5 which may include having defendant designated as a vexatious
6 litigant and barred from commencing any further removal actions
7 with respect to the underlying state unlawful detainer action.

8
9 Accordingly, IT IS ORDERED that (1) this matter be REMANDED to
10 the Superior Court of California, County Of Los Angeles, 275
11 Magnolia Avenue, Long Beach, California 90802, for lack of subject
12 matter jurisdiction pursuant to 28 U.S.C. § 1447(c); (2) that the
13 Clerk send a certified copy of this Order to the state court; and
14 (3) that the Clerk serve copies of this Order on the parties.

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16 IT IS SO ORDERED.

17 DATED: 2/7/14

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21 GEORGE H. KING
22 CHIEF UNITED STATES DISTRICT JUDGE
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